

### Remarks

In view of the following amendments and remarks, favorable reconsideration of the outstanding office action is respectfully requested. Claims 1 – 27 remain in this application.

#### **1. Specification**

The Applicant has amended paragraphs 0015, 0020, and 0022 to include the application serial number data for the co-pending applications cited in the specification.

#### **2. Allowed Claims/Subject Matter**

Applicant notes with appreciation that the Examiner has indicated the subject matter of claim 22 is patentable, and would be allowable if rewritten in independent form.

#### **3. § 102 Rejections**

The Examiner has rejected claims 1 – 11, 13 – 21, and 23 – 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,500,487 to Leon.

Claim 1 is directed to a modular electrical device for use in an electric circuit. The device includes a housing configured to accommodate a frame member selected from a plurality of frame members. Each frame member is configured to accommodate at least one wiring assembly. An electrical wiring assembly is chosen from a plurality of electrical wiring assemblies. Each of the plurality of electrical assemblies has a different functional configuration. Each of the plurality of electrical wiring assemblies is sized to fit in the selected frame member. A set of terminal contacts is selected from a plurality of sets of terminal contacts. Each set of terminal contacts is matched to accommodate one of the plurality of electrical wiring assemblies. A wall plate defines a first opening. The housing is configured to be disposed with the first opening.

Leon is directed to a modular receptacle that includes opposing contacts as well as receiving portions. The receptacle slidably receives a switch or plug within the receiving portion. The switch or plug has opposing contacts which contact the opposing contacts on the receptacle. The switch or plug also have indented and protruding portions which cooperate with the receiving portions in the receptacle. Accordingly, switches or plugs can be

selectively removed or inserted from the modular receptacle without the need to remove the receptacle from a wall on which the receptacle is mounted.

According to **MPEP 2131**, “to anticipate a claim, the reference must teach every element of the claim.” A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

**Independent Claim 1:**

The Examiner does not make a prima facie case of anticipation because he does not show where Leon teaches every element of the claimed invention. For example, claim 1 recites a housing configured to accommodate a frame member selected from a plurality of frame members. The Examiner states that the housing is, for example, “an electrical junction box.” However, those skilled in the art will understand that a junction box is not part of the electrical device itself. It is a separate structural entity.

Further, the Examiner does not point out where Leon discloses a housing that may “accommodate a frame member selected from a plurality of frame members, each frame member being configured to accommodate at least one wiring assembly,” as recited in claim 1. The Examiner points to reference numeral 1, which is identified in col. 2, line 33 as a receptacle. Neither Figure 1 nor the cited text discloses a plurality of frame members; the text and Figure merely show one receptacle. Accordingly, the Examiner has failed to point out where Leon discloses the housing or the plurality of frame members as recited in claim 1.

Claim 1 also recites an electrical wiring assembly is chosen from a plurality of electrical wiring assemblies. Each of the plurality of electrical assemblies has a different functional configuration. Each of the plurality of electrical wiring assemblies is sized to fit in the selected frame member. The Examiner asserts that the plurality of electrical assemblies reads on switch 21 and plug 40. The Applicant respectfully points out to the Examiner that according to the Federal Circuit case quoted above, a claim is only anticipated if each and every element as set forth in the claim is found in the reference. In this case, neither switch 21 nor plug 40 are sized to fit in a selected frame member. As noted above, Leon does not disclose a plurality of frame members, each being configured to accommodate a wiring assembly. Thus, the Examiner does not point out where Leon discloses the electrical wiring assembly as recited in claim 1.

Claim 1 further recites a set of terminal contacts selected from a plurality of sets of terminal contacts. Each set of terminal contacts is matched to accommodate one of the plurality of electrical wiring assemblies. The Examiner points to contacts 3a, 3a', 3b, and 3b' shown in Figure 1. However, this is only one set of contacts. Further, this set of contacts is configured to accommodate either switch 21 and/or plug 40. As such, the Examiner does not point out where Leon discloses "a set of terminal contacts selected from a plurality of sets of terminal contacts," as recited in claim 1. Further, the Examiner fails to point out where Leon discloses a set of terminal contacts that is matched to accommodate one of the plurality of electrical wiring assemblies, as further recited in claim 1. As noted, contacts 3a – 3b are "one-size-fits-all" contacts .

Accordingly, the Examiner has failed to show where the cited reference (Leon) discloses the housing, the electrical assembly, or the set of terminal contacts recited in claim 1. The applicant respectfully reminds the Examiner that it is improper for the Examiner to ignore inconvenient claim elements.

#### Dependent Claims:

Dependent claims 2 – 11, 13 – 21, and 23 – 27 are allowable by virtue of their dependency from claim 1. However, these claims are allowable in their own right. The dependent claims illustrate the versatility of the claimed invention. The Examiner points to col. 2, lines 42 – 48 in his rejection of the dependent claims. However, the cited text discloses a device that only accommodates a combination of switches and/or plugs, with three being the total number of modules accommodated.

Claim 2 recites an electrical wiring assembly that includes a first switch and a second switch. Leon discloses two/three separate modules, each of which may be a switch, not a single wiring device having two switches. Thus, the Examiner does not show where Leon includes the limitations of claim 2.

Claim 3 recites that at least one of the first and second switch is a single-pole switch. The cited text does not disclose the type of switch Leon employs. Thus, the Examiner does not show where Leon includes the limitations of claim 3.

Claim 4 recites a three-way switch. The cited text does not refer to a three way switch. Thus, the Examiner does not show where Leon includes the limitations of claim 4.

Claim 5 is directed to a wiring device that includes a third switch. The cited text and Figures disclose three separate modules, each of which may be a switch, not a single wiring device having three switches. Thus, the Examiner does not show where Leon includes the limitations of claim 5.

Claim 6 depends from claim 5 and recites that one of the three switches is a single pole switch. Again, the cited text, col. 2, lines 42 – 48, does not disclose a single-pole switch. Thus, the Examiner does not show where Leon includes the limitations of claim 6.

Claim 7 also depends from claim 5 and recites that one of the three switches is a three-way switch. Again, the text in col. 2, lines 42 – 48 does not disclose a three way switch. Thus, the Examiner does not show where Leon includes the limitations of claim 7.

Claims 8 – 10 are directed to a wiring device that includes a fourth switch. Leon only accommodates three modules, not one wiring assembly that includes four switches. Leon also does not disclose single-pole switches or three-way switches. Thus, the Examiner does not show where Leon includes the limitations of claims 8 - 10.

Claim 11 depends from claim 2 and therefore, recites a single wiring device that includes a first switch, second switch, and a receptacle. Leon discloses two/three separate modules, each of which may be a switch or plug receptacle, not a single wiring device having two switches and a receptacle. Thus, the Examiner does not show where Leon includes the limitations of claim 11.

Claims 13 – 21 and 23 – 27 recite a wiring assembly that includes a single pole switch, a light, a remote-use indicator, a blank, a placard holder, and/or a lamp assembly. The Examiner points to col. 4, lines 40 – 45 for the proposition that Leon discloses this subject matter. However, the cited text is boilerplate. It states: “numerous modifications and variations of the present invention are possible in light of the above teachings...” The cited text does not disclose any of the features recited in the dependent claims.

Accordingly, dependent claims 2 – 11, 13 – 21, and 23 – 27 are allowable in their own right and also by virtue of their dependency from claim 1.

#### **4. § 103 Rejections**

The Examiner has rejected claim 12 under 35 U.S.C. § 103 as being unpatentable for obviousness over Leon in view of U.S. Patent No. 6,309,248 to King.

Claim 12 is directed to a receptacle that includes either a GFCI, an AFCI, or both. The Examiner asserts that King discloses a receptacle that includes a GFCI. Without responding to the merits of the Examiner's assertion, the Applicant notes that the Examiner does not assert that King discloses an AFCI. Accordingly, on its face, the Examiner's rejection is not a prima facie rejection because he fails to point out where King discloses an AFCI, in addition to a GFCI. Further, claim 12 is allowable by virtue of its dependency from claim 1.

## 5. Conclusion

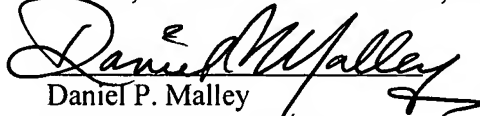
Based upon the amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 1 – 27 and a prompt Notice of Allowance thereon.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 256-7307.

Respectfully submitted,

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